

REMARKS

I. Introduction

This is in response to the Final Office Action dated March 2, 2010 and is filed concurrently with a Request for Continued Examination pursuant to 37 CFR §1.114.

The Office Action rejected claims 13-15, 33-35, 47-49, and 53 under U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,434,222 (Shaffer et al.) in view of U.S. Patent No. 6,266,399 (Weller et al.). The Office Action rejected claims 37, 38, 40, 41, and 55 under 35 U.S.C. §103(a) as being unpatentable over Shaffer in view of Weller as applied to claims 13 and 33 above, and further in view of U.S. Patent No. 5,883,942 (Lim et al.). The Office Action rejected claims 50 and 52 under 35 U.S.C. §103(a) as being unpatentable over Shaffer in view of Weller as applied to claim 13 above, and further in view of U.S. Patent No. 6,493,548 (Kinoshita). The Office Action rejected claim 56 under U.S.C. §103(a) as being unpatentable over Shaffer in view of Weller as applied to claim 13 above, and further in view of U.S. Patent No. 5,754,630 (Srinivasan).

In response, claims 37, 38, 40, 41, 47, 49, 50, 52, 53, 55, and 56 have been amended. Claims 57-68 have been added. Claims 13-15, 33-35, 48, and 54 have been canceled. Claims 37, 38, 40, 41, 47, 49, 50, 52, 53, and 55-68 remain for consideration.

II. Status of the Specification

The title has been amended to better describe the subject matter of the pending claims. No new matter is added by this amendment.

III. Claim Rejections under 35 U.S.C. §103

Independent claims 13 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer in view of Weller. Applicant respectfully notes that claims 13 and 33 have been canceled, and rewritten as claims 58 and 67, which depend from independent claims 57 and 66, respectively. In order to

"establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art." In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, "all words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See also MPEP § 2143.03. None of the cited references, either alone or in any combination, discloses or suggests all of the claim limitations of independent claims 57 and 66. Therefore, the withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

A. Rejection of claims 13-15, 33-35, 47-49, and 53

The Office Action rejected claims 13-15, 33-35, 47-49, and 53 under 35 U.S.C. §103(a) as being unpatentable over Shaffer in view of Weller.

New independent claim 57 includes similar limitations as those included in previously recited claim 13, and is directed to a caller priority level association included in the telephone service logic. Claim 13 has been canceled.

New claim 57 recites, in part:

updating at least one caller priority level based
on a change in information associated with the caller

Shaffer describes a system that notifies a user of a multi-media system that various parameters have not been configured and allows the user an opportunity to reconfigure the parameters. (See Schaffer, col. 1, lines 53-57) Specifically, Shaffer describes a graphical user interface and messaging server "configured to handle messages ... such as e-mail messages ... facsimile messages ... and voice messages." (See Schaffer, col. 4, lines 1-8) "Upon reception of a call, the voice messaging module may access the memory at a predetermined location for a user-defined greeting corresponding to a received user-identification." (See Shaffer, col. 4, lines 32-35) A user may edit personal greeting information, as shown in Figs. 5 and 6 of Shaffer. Specifically, a user may "type in a new user greeting in a window," and "submit the message to the

messaging system" before recording a message." (See Shaffer, col. 5, lines 38-43)

Shaffer fails to teach or suggest "updating at least one caller priority level based on a change in information associated with the caller." Shaffer is silent with regard to "caller priority levels" and focuses only on changing personal greetings, and "instructing the user as to how to change the configuration settings." (See Shaffer, col. 6, lines 64-67) Thus, Shaffer fails to teach or suggest "updating at least one caller priority level based on a change in information associated with the caller" as recited in claim 57.

Weller describes a system that uses different outgoing messages based on the identification of a caller. (See Weller, col. 1, lines 26-38) "A first time/date constraint can be associated with a second outgoing message from the plurality of outgoing messages. Upon receipt of the call from the caller, it is determined whether a time/date of the call matches the first time/date constraint. If the identity of the caller does not match the first caller identification and the time/date of the call matches the first time/date constraint, the second outgoing message is played to the caller." (See Weller, col. 1, lines 42-50) However, Weller, like Shaffer, also fails to teach or suggest "updating at least one caller priority level based on a change in information associated with the caller." Weller is specifically directed towards providing a versatile system that uses different outgoing messages based upon caller identification and time/date constraints. Weller does not contemplate, and is silent regarding "caller priority levels" since the outgoing messages of Weller do not follow a particular prioritization order, but instead follow a set of rules that are dependent upon time/date constraints as illustrated by Fig. 2 of Weller. Weller discusses "six outgoing messages" each with "outgoing conditions" based on time of call or caller ID. (See Weller, col. 3, lines 30-67) Thus, Weller, like Shaffer, also fails to teach or suggest "updating at least one caller priority level based on a change in information associated with the caller" as recited in claim 57.

Thus, Shaffer and Weller, taken alone or in combination with one another, fail to teach or suggest "updating at least one caller priority level based on a change in information associated with the caller" as recited in claim 57. Therefore, new claim 57 is allowable.

New claim 66 includes similar limitations as those included in previously recited claim 33. Claim 66 is directed to a caller priority level association included in the telephone service logic. Claim 33 has been canceled. New Independent claims 62 and 66 recite features similar to those recited in claim 57. Claims 62 and 66 are therefore allowable for at least the reasons presented above with respect to claim 57.

Claims 13-15, 33-35, and 53 have been canceled by this response, and thus render the rejection of claims 13-15, 33-35, and 53 moot.

Claims 47-49 and 53 depend from one of independent claims 57 and 66, are also allowable at least by virtue of their dependency from an allowable base claim.

B. Rejection of claims 37, 38, 40, 41, and 55

The Office Action rejected claims 37, 38, 40, 41, and 55 under 35 U.S.C. §103(a) as being unpatentable over Shaffer in view of Weller and further in view of Lim.

As described above, independent claims 57 and 63 are allowable over Shaffer and Weller. Lim does not teach or suggest the features missing from Shaffer and Weller.

Lim describes a caller ID device that "is configurable 1) to play a pre-recorded announcement for the user when the caller-ID information received over the PSTN corresponds to stored information indicating an important caller; 2) to play a pre-recorded "block-the-blocker" outgoing message for the caller when a blocker-caller-ID code is received; and/or 3) to play a pre-recorded "reject call" outgoing message for the caller when the caller-ID information corresponds to stored information indicated an undesirable caller." (See Lim, col. 2, lines 55-

67 and col. 3, lines 1-4) While Lim discusses playing different pre-recorded messages for an “important caller” and an “undesirable caller”, this is limited to playing of pre-recorded messages and is not the same as “updating at least one caller priority level based on a change in information associated with the caller” as recited in claim 57. Thus, Lim, like Shaffer and Weller, fails to teach or suggest “updating at least one caller priority level based on a change in information associated with the caller” as recited in claim 57.

Accordingly, claims 37, 38, 40, 41, and 55 are allowable at least by virtue of their dependency from one of claims 57 and 66.

C. Rejection of claims 50 and 52

The Office Action rejected claims 50 and 52 under 35 U.S.C. §103(a) as being unpatentable over Shaffer in view of Weller and further in view of Kinoshita.

As described above, independent claims 57 and 66 are allowable over Shaffer and Weller. Kinoshita does not teach or suggest the features missing from Shaffer and Weller. Accordingly, claims 50 and 52 are allowable at least by virtue of their dependency from claims 57 and 66 respectively.

D. Rejection of claim 56

The Office Action rejected claim 56 under 35 U.S.C. §103(a) as being unpatentable over Shaffer in view of Weller and further in view of Srinivasan.

As described above, independent claim 57 is allowable over Shaffer and Weller. Srinivasan does not teach or suggest the features missing from Shaffer and Weller. Accordingly, claim 56 is allowable at least by virtue of its dependency from claim 57.

IV. New Claims

Claims 57-68 have been added by this response. None of Shaffer, Weller, Lim, Kinoshita, and Srinivasan, taken alone or in combination with one another,

teach or suggest: “updating at least one caller priority level based on a change in information associated with the caller” as recited in independent claims 57, 60 and 63. All of the cited references are silent regarding the aforementioned feature.

Claims 57, 62, and 66 are therefore allowable for at least the reasons presented above.

Claims 58-60, 63-65, 67, and 68 are allowable at least by virtue of their dependency from one of claims 57, 62, and 66 respectively.

V. No New Matter has Been Added

Support for the amendment to claims 13, 33, 37, 38, 40, 41, 47, 49, 50, 52, 53, 55, and 56, and the addition of new claims 57-63, can be found throughout the Specification and at least at page 29, line 27 through page 32, line 14, and the claims as originally filed.

VI. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Applicant believes that no fees are due as a result of this amendment. In the event of a fee discrepancy, please charge our Deposit Account No. 06-2143.

Respectfully submitted,
/Xiaolei D. Sun/

Xiaolei Daniel Sun
Reg. No. 65,058
Attorney for Applicants
Tel.: (973) 530-2059

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Wolff & Samson PC

Appl. No. 10/790,895

**One Boland Drive
West Orange, NJ 07052**